

ZB# 83-21

Raymond Horton

68-2-3

83-21- Horton, Raymond - fence + setback from sideyard

Public Hearing

June 27th

7:30

Notice mailed to
Sentinel on 6/1/83.

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

General Receipt

5268

Received of

Raymond Hector

July 12 19 *83*
\$ *25.00*

Twenty Five and 00/100

DOLLARS

For

Zoning Application 83-21

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>25.00</i>	<i>Check</i>	
<i>check # 214</i>		

By

Pauline J. Townsend

Town Clerk

E.C.

Title

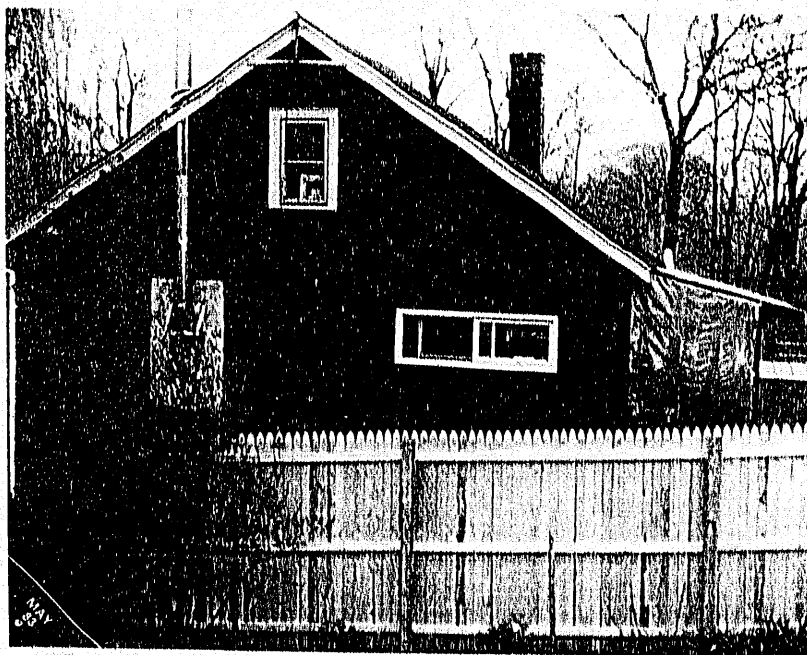
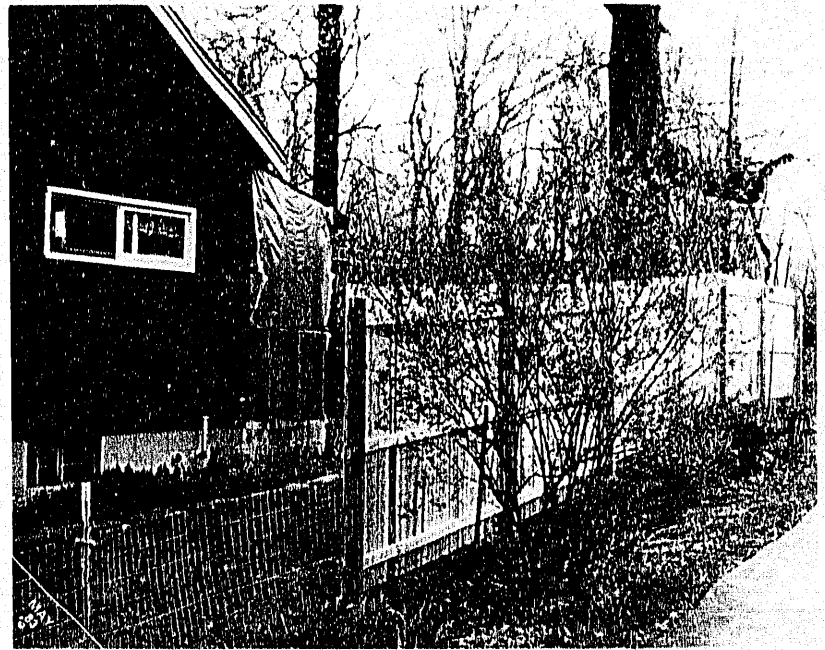
Williamson Law Book Co., Rochester, N. Y. 14609



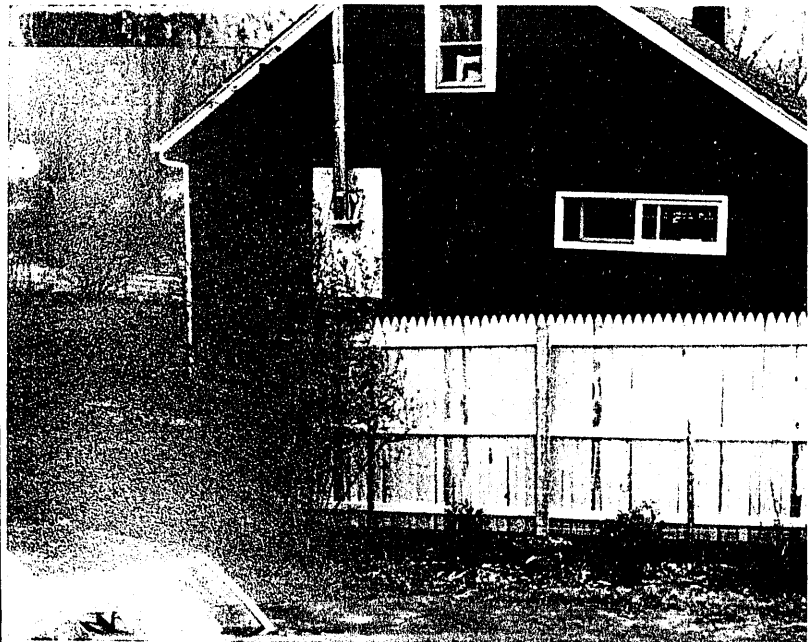
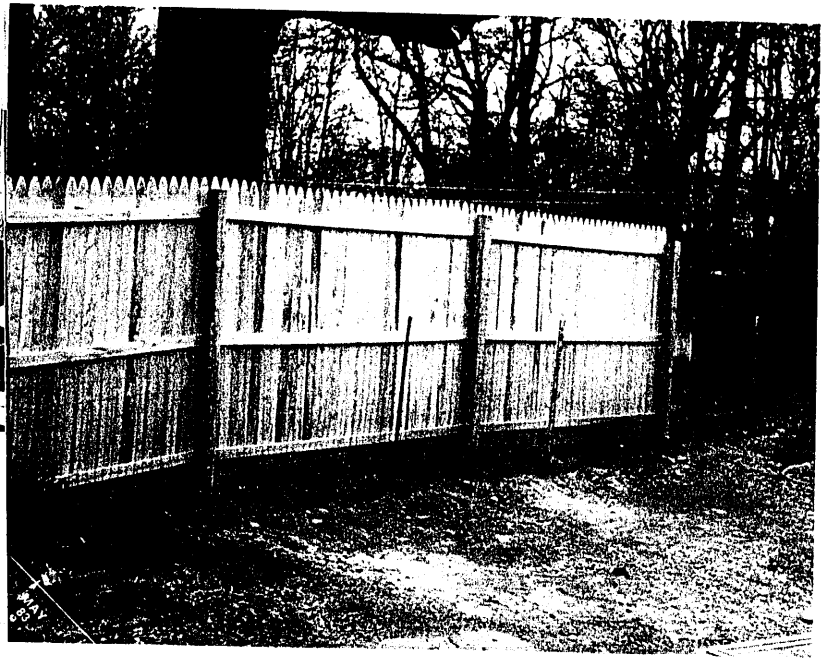
FUND	CODE	AMOUNT
25.00	Check	
check # 214		

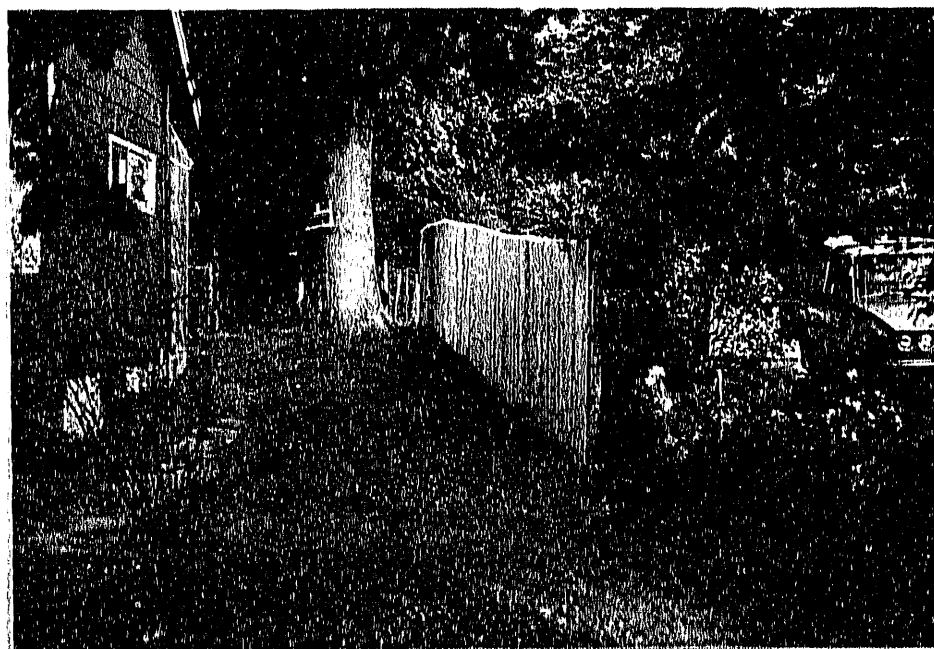
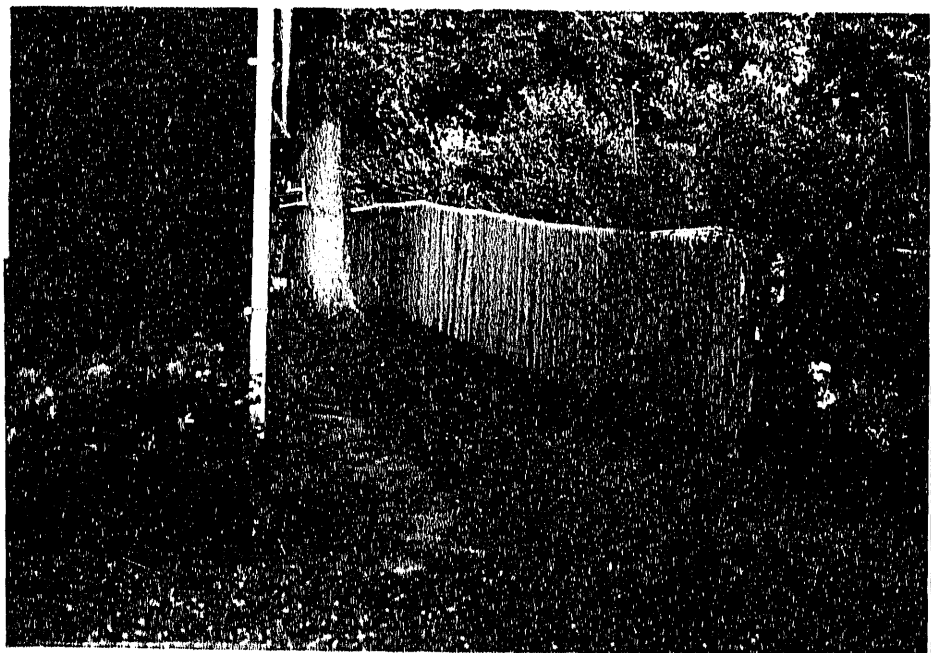
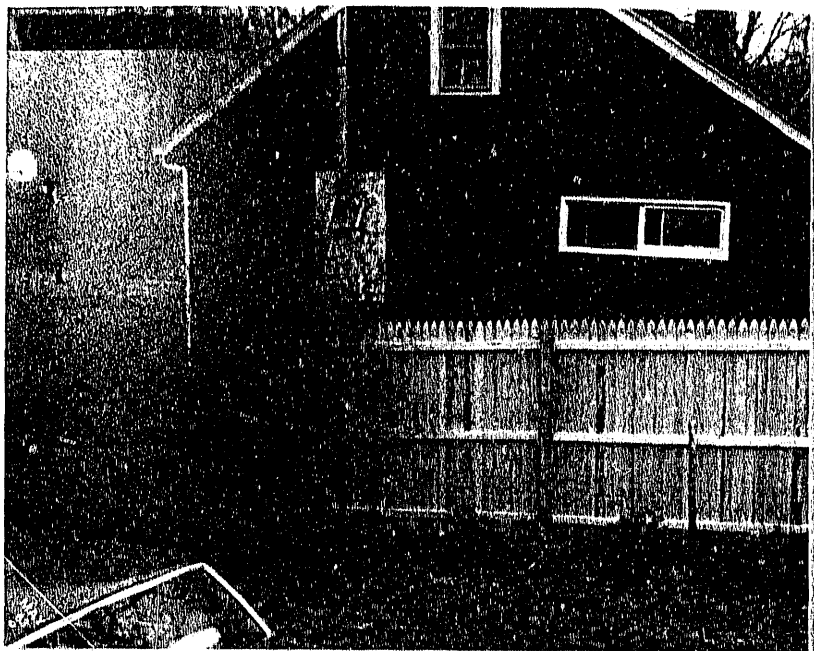
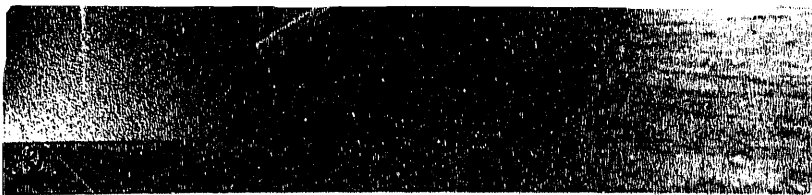
Williamson Law Book Co. Rochester, N. Y. 14609

By Frank H. Townsend
Town Clerk E.C.
 Title



100-301-12-28





NEW WINDSOR ZONING BOARD OF APPEALS

-----x
In the Matter of the Application of

RAYMOND HORTON

DECISION DENYING
VARIANCE

83-21.

-----x
WHEREAS, RAYMOND HORTON of Mertes Lane, R.D. #2,
Box 11, New Windsor, N. Y. (R4-A), has made application before the
Zoning Board of Appeals for an area variance for the purposes of:
allowing an existing 6 ft. stockade fence to be located on property line;
and

WHEREAS, a public hearing was held on the 27th day of
June, 1983 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicant. appeared in person

; and

WHEREAS, the application was opposed by / adjacent neighbor
and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that a 6 ft. stockade fence now
exists on the property line of Raymond Horton in direct conflict with
Section 48-14C(1) - Supplementary Yard Regulations;

3. The evidence shows that applicant must seek a 10 ft.
sideyard variance for any fence over 4 ft. in height

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant ^{not} will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will ~~not~~ ^{and} result in substantial detriment to adjoining properties ~~or~~ change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor deny a 10 ft. side yard variance to applicant for existing 6 ft. stockade fence in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: July 11, 1983.


Chairman

Ref
6/27/83

May 10, 1983
R.D. 2 Box 10
Mertes Lane
New Windsor, NY

Town Zoning Board
New Windsor, NY.

On April 29, 1983 I went to see Mr. Kennedy, the town building inspector, to complain about my neighbor Mr. Ray Horton, who erected a 6' stockade fence, on the border line between his property and my property. I thought that the fence was not in compliance with the town ordinance.

Mr. Kennedy came over to inspect it and told me that the fence was erected against the town ordinance but he did not have the authority to make him remove it.

Mr. Horton requested a variance in order to keep the fence in the actual location. I firmly oppose to this fence being where it is, do to the fact that as far as I am concerned, the fence devaluated my property and created an eye sore, first of all, if privacy is what he is looking for, he does not have it because I still can see from my property to his property because he only has six sections of fence as you can see on the picture, also if it is to establish a border line, there is already a 36 inch wire fence on the border line as you can see in the picture which I have placed at my own expense.

The reason that I am writting this letter is due to the fact that on May 23, the preliminary which Mr. Horton requested for the variance, I will not be able to attend because I will be away and I would like to be present to submit my opposition as the next party in concern.

Truly Yours,
Pedro Lugo
Mr. Pedro Lugo

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

MAY 12 1983
BY: *Sabina Delis*



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

Date: June 28, 1983

Mr. Raymond Horton
R. D. 2 - Mertes Lane
New Windsor, N. Y. 12550

RE: APPLICATION BEFORE ZONING BOARD OF APPEALS
83-21 - HORTON, RAYMOND

Dear Mr. Horton:

This is to confirm that your above application before the
New Windsor Zoning Board of Appeals was denied
at a meeting held on the 27th day of June, 1983.

A formal decision will be drafted and acted upon at a later
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do not
hesitate to call me.

Yours very truly,

A handwritten signature in cursive script that reads "Patricia Delio".

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Patrick Kennedy, Bldg/Zoning Inspector
Town Planning Board

T-3

83-21

Prelim. meeting:
May 23rd
7:30 p.m.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date April 27, 1983

To

Raymond Horton (owner)
RD 2 Mertes Lane
New Windsor, New York 12550

PLEASE TAKE NOTICE that your application dated April 27, 1983
for permit to erect six foot high Stokade fence on Property line
at the premises located at Mertes Lane

is returned herewith and disapproved on the following grounds:

needs 10' ^{side} yard variance for fence over 4 feet
high

R4A


Building Inspector

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

83-21

Date: 6/27/83

I. ✓ Applicant Information:

- (a) Raymond Horton RD#2 Box 11 Mertes Lane New Windsor NY 5652114
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- | | |
|---|---|
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Sign Variance |
| <input checked="" type="checkbox"/> Area Variance | <input type="checkbox"/> Special Permit |

III. ✓ Property Information:

- (a) R4-A Mertes Lane 151 x 140
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1977
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? Yes
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: metal Storage Shed used for outside equipment and tools.

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ✓ Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-14(c) Table of Supplementary Yard Regs., Col. .

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
✓ Reqd. Side Yd.	<u>15 / 30.</u>	<u>70 / 10</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	<u> </u> %	<u> </u> %
Floor Area Ratio**	<u> </u>	<u> </u>

* Residential Districts only

** Non-residential districts only

- ✓ (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

I feel the Fence is needed to prevent any further problems with our neighbors. My children will be able to play in the yard without being afraid that a ball will go into the other yard and they will be yelled at. I can work in my yard and not be told make sure your not on the property line and watched with everything I do.

- VI. Sign Variance: nothing has been done to alleviate this matter. We have

- (a) Variance requested from New Windsor Zoning Local Law, tried to Section , Table of Regs., Col. Speak to them but they ignore us.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	<u> </u> sq. ft.	<u> </u> sq. ft.	<u> </u> sq. ft.

When I'm working in the yard Mrs. Lugo will come out in her Nitegown + watch what I'm doing this I don't like.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. ☒ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

There is a 1 ft opening between there wire Fence and our Stockade Fence. Along the Fence facing the other yard there will be small Flowers planted and on the Wooden Fence posts I will be putting hanging plants which will make it attractive to look at the Fence will be Stained and kept from weeds growing up between the two Fences. It will be kept neat and Attractive.

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ N/A Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ N/A Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 6/1/83.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Raymond D. Horton
(Applicant)

Sworn to before me this

1st day of June, 1983.
Patricia Delio

PATRICIA DELIO
Notary Public, State of New York
Appointed in Orange County
My Commission expires Mar. 30, 1985

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

Public Hearing: Horton, Raymond (Merteslane) 6/27/83

Name:

Address:

Raymond D Horton

R.D. 2, Mertes, La

Cathy Horton

" "

Mrs J Livingstone Merteslane Vail estate

Livingston Casas Merteslane Vail estate

^{2/28/83} Pedro J. Lugo R.D. 2 Merteslane Box 10 New Windsor

ANA N. LUGO R.D. 2 MERTES LA. BOX 10 NEW

Amador spulit R.D. 2 Riley road WINDSOR

WINDSOR

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS BEFORE THE ZBA - June 27, 1983
DATE: June 20, 1983

Please be advised that the following matters will be heard before the Zoning Board of Appeals on Monday evening, June 27, 1983:

- (1) HORTON, RAYMOND - Request for 10 ft. side yard variance;
- (2) ARMSTRONG, SAM - Request for front and rear yard variances;
- (3) VITOLO, REGIERO and
WEED, GENE - Request for 112 ft. sign area variances.

I have attached hereto copies of the pertinent applications together with the public hearing notices which appeared in The Sentinel.

Pat

/pd
Attachments

cc: Patrick Kennedy, Town Building/Zoning Officer



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Juen 3, 1983

15 on list

Mr. Raymond Horton
RD#2 Box 11
Mertes Lane
New Windsor, N.Y. 12550

RE: 68-2-3

Dear Mr. Horton:

According to my records, the attached list of property owners are within five hundred feet of the above mentioned property.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads "Paula Sarvis".

PAULA SARVIS
Assessor
Town of New Windsor

PS



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

1763

De Voti Sylvia ✓
766 Broadway
Newburgh, New York 12550

Aronauer, Milton
Box 532
Borough Hall Station
Jamaica N.Y. 11424

Barton, William J. ✓
Box 16 Walters Tr. Park
Route 207
New Windsor, N.Y. 12550

Livingstone, Herbert & Justa ✓
PO Box 497
Vails Gate, N.Y. 12584

Napolitano, Felice & Carmela ✓
Mertes Lane
New Windsor, N.Y. 12550

Mc Grane, James ✓
West Frances
Stewart Avenue
Newburgh, N.Y. 12550

Bandera Fredis
504 Fifth Street
UnionCity N.J. 07087

Lugo, Pedro J. & Ana N. ✓
Mertes Lane
New Windsor, N.Y. 12550

Casas Isidora ✓
PO Box 469
Vails Gate N.Y. 12584

Domingues, Lucinda F. & Adelino P. ✓
Mertes Lane
New Windsor, N.Y. 12550



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Rashbaum Gilbert
Smith Charles F. III ✓
PO Box 7002
5 Meadow Hill Road
Newburgh N.Y. 12550

Barone Anthony & Evelyn Mae ✓
PO Box 405
Vails Gate N.Y. 12584

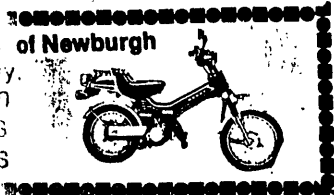
Kodsi Moshe ✓
Godis Mayer ✓
PO Box 575
Vails Gate N.Y. 12550

Walsky Harold ✓
Duarte Graciano B. ✓
554 Chestnut Ridge Road
Woodcliff Lake NJ 07675

Yereance Marjorie ✓
PO Box 43
Vails Gate N.Y. 12584

The Sentinel
6/9/83

WRECK
NEWBURGH, NY
960



Y
PRACTIC
tural" WAY
R HEALTH

(for Chiropractic Association)

I AGENCY
ANCE

0044

- TENANTS
- LIFE
- HEALTH
- PENSION
- ACCIDENT

most homeowners policy —
for 20 years old.

New Windsor

HERMES
IBM
OLIVETTI

ss Machines Inc.

LEASE - RENT
CALCULATORS - COMPUTERS
MODEL MACHINES
OR OVER 30 YEARS

HIGHWAY RT. 32
IRGH, N.Y. 12550

New Lease On Life For Kittens and Puppies

by Lydia Ambrogio

"We're taking all puppies and kittens," stated Liz Whalen of Dwight Memorial Animal Shelter, "and can guarantee homes for all animals that are in good health."

Ms. Whalen went on to state that all new animals brought to the shelter are wormed and inoculated there, and are usually in good shape by the time they are either placed or sent to the North Shore Animal League in Port Washington, N.Y.

The recent agreement between the shelter and the League is a boon to all unwanted animals in the area, since they will not face the prospect of either being destroyed or sent to a laboratory as a specimen.

Serving as a spokeswoman for Madeline Reilly, manager at the shelter run by the Society for the Prevention of Cruelty to Animals, Whalen said that Reilly paid a personal visit last week to the North Shore Animal League to make sure that animals were actually placed, and returned favorably impressed.

"The League's facilities occupy three large buildings which are very clean," she said, and that her boss was unable to comprehend so many animals at once being so well cared for.

She stated that the League has its own veterinarians, some of whom are college students doing internships at the facility, who will neuter any animal at no charge to their owner.

The League will pick up all unplaced animals from about ten shelters around the state, and transport them in an air-conditioned truck to its facility in Port Washington. There, the animals are spayed and well taken care of by volunteers as well as salaried personnel until they are placed in homes.

"Last week they took five puppies and 22 kittens," said Whalen, "and they place about 600 animals a week."

She stated that anyone from the area who adopts an animal from the League and does not want to make the trip a second time to have the animal neutered, may do it locally and receive a \$25 reimbursement from the League toward the cost.

In addition, should the adopting family no longer want the animal, they can bring it to the shelter in New Windsor. The League will take the animal back and find a new home for it. "They also take older unwanted animals too, for placement," said Ms. Whalen.

Hoddinott Elected To Board

Alfred H. Hoddinott, Jr., Senior Litigation Attorney for the Xerox Corp. in Stamford, Ct., has been elected to the Board of Trustees at Mount Saint Mary College. Announcement of Mr. Hoddinott's election was made by George F. Stradar, Jr., Chairman of the Board.

Mr. Hoddinott is former legal assistant to the Hon. Lloyd F. MacMahon, United States District Judge for the Southern District of New York. He was an associate attorney with the New York City law firm of Donovan Leisure Newton and Irvine from 1964-1973.

A 1964 graduate of New York University School of Law, Mr. Hoddinott received his bachelor's degree in history in 1960 from Georgetown University. He is a native of White Plains.

Discussing the function of a member of the Board of Trustees, Mr. Hoddinott said it is "not just to act as an auditor or overseer, but rather to be in a position to bring knowledge from other fields to the educational process."

Mr. Hoddinott will serve on the Academic and Faculty Affairs and Facilities committees of the Board of Trustees.

Stillman Appointed Campaign Chairman

Cornwall-On-Hudson Attorney, Josh S. Stillman has been asked to serve for the second year as Chairman of the Cornwall Hospital's Annual Campaign. Stillman, whose father Dr. Ernest Stillman founded the Cornwall Hospital in 1911, Chairman of the New

helps - and is appreciated," he continued.

Proceeds from the 1983 Annual Campaign will be used to purchase two traction sets and a K-Thermia machine for the Nursing Department. The latter is designed to raise or lower body

Legals

PUBLIC NOTICE OF HEARING
BEFORE ZONING BOARD OF
APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 21

Request of ~~Raymond Horton~~ and ~~Cathy Horton~~ for a VARIANCE of the regulations of the Zoning Ordinance to permit existing 6 ft. high stockade fence on property line with 10ft. insufficient sideyard being a VARIANCE of Section 48-14C (1) - Supp. Yard Regs. for property situated as follows: Mertes Lane, New Windsor, N.Y.

SAID HEARING will take place on the 27 day of June, 1983, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 7:30 o'clock; p.m.

Richard Fenwick
Chairman

By: Patricia Delio, Secretary

TOWN OF NEW WINDSOR
NOTICE AFTER
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the TOWN OF NEW WINDSOR held a public hearing on the 1st day of June 1983 at 7:30 p.m. in the Town Hall - 555 Union Avenue, New Windsor, New York, and adopted an Amendment to the Code of Ethics Local Law.

The purpose of the amendment adopted is to provide for a committee of five (5) persons to be appointed by the Town Board. A copy of same may be reviewed at the Town Clerk's Office, 555 Union Avenue, New Windsor, N.Y., during regular working hours, 8:30 a.m. to 4:30 p.m., Monday thru Friday.

BY ORDER OF THE
TOWN BOARD, TOWN OF
NEW WINDSOR
PAULINE G. TOWNSEND
TOWN CLERK

PUBLIC NOTICE OF HEARING
BEFORE THE PLANNING
BOARD OF THE TOWN OF
NEW WINDSOR

Pursuant to Section 276 and Article 16 of the Town Law of the State of New York and Section 4 of the Subdivision Regulations of the Town of New Windsor, a Public Hearing will be held at the Planning Board Office, Town

